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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,573

01/22/2004

Neil J. Goldfine

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4895

21005

7590

03/25/2005

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EXAMINER

CHERRY, STEPHEN J

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/763,573

Applicant(s)

GOLDFINE ET AL.

Examiner

Stephen J. Cherry

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2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 1-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9-3-2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group II, Claims 27-33, in the reply filed on 2-28-2005 is acknowledged.

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 27, 31, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication US 2002/0066770 to James et al in view of U.S. Patent 3,718,855 to Rogel et al.

The claim recites, as disclosed by James:

examining material condition of an article with an eddy current sensor  
(‘770, par. 24);

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determining presence of an early stage damage ('770, par. 24, and figure 2, block 38, and fig. 3, item 40);

performing a health control action on the article ('770, fig. 2, 50)

integrating the health control action with scheduling of inspections ('770, fig. 2, repair, shown in block 50 integrated into inspection procedure, shown in blocks 32-38).

wherein the control action is rework ('770, figure 2, block 50).

However, James does not explicitly disclose establishing a baseline condition for future inspections with another examination of the article with the eddy current sensor.

The claim further recites, as disclosed by Rogel:

establishing a baseline condition for future inspections with another examination of the article with the eddy current sensor (855, col. 2, line 26, col. 2, line 44, col. 3, line 37)

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the establishment of baseline conditions for future measurements with the invention of James to allow the comparison of data from one inspection to the next to show relative wear ('855, col. 1, line 30)

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication US 2002/0066770 to James et al in view of U.S. Patent

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3,718,855 to Rogel et al as applied to claims 27 and 32 above, and further in view of U.S. Patent 6,670,577 to Staver et al.

James '770 or Rogel '855 do not disclose the use of shot peening as a method of treating parts.

The claim further recites, as disclosed by Staver:

the rework is shot peening ('577, col. 1, lines 15-30).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine shot peening of a part with the invention suggested by James in view of Rogel to stop crack propagation by the establishment of additional forces ('577, col. 1, line 23)

Claim 27-30 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,406,500 to Floret in view of U.S. Patent 6,670,577 to Staver et al.

The claims recite, as disclosed by Floret:

examining material condition of an article with an eddy current sensor

('500, col. 5, line 45);

determining presence of an early stage damage ('500 col. 7, line 65,

"crack");

establishing a baseline condition for future inspections with another examination of the article with the eddy current sensor ('500, col. 1, line 29, "development of cracks"); wherein the eddy current sensor is a sensor array ('500, fig. 7, S1-S4); wherein the sensor is mounted to a surface of the article ('500, fig. 1, and col. 3, line 52); wherein the sensor is scanned over a surface of the article ('500, col. 5, line 45).

However, Floret does not disclose performing a health control action on the article; wherein the control action is rework, wherein the rework is shot peening.

The claims further recite, as disclosed by Staver: performing a health control action on the article; wherein the control action is rework wherein the rework is shot peening ('577, col. 1, line 15).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a health control action in the form of shot peening of Staver with the invention of Floret to stop crack propagation by establishing additional forces in the metal ('577, col. 1, line 25).

### ***Conclusion***

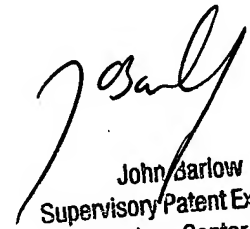
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Cherry whose telephone number is (571) 272-2272. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJC

  
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